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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,147	06/14/2001	Geoffrey Cooper	SECU0001CIP	9105
22862	7590	01/19/2005	EXAMINER	
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			KIM, JUNG W	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/881,147	COOPER ET AL.	
	Examiner	Art Unit	
	Jung W Kim	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspond nc address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/3/02</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

1. Claims 1-40 have been examined.

### *Claim Objections*

2. Claims 25 and 33 are objected to because of the following informalities: the word "interactively" in the preamble of the claims is not spelled correctly. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-40 rejected under 35 U.S.C. 103(a) as being unpatentable over Vaid et al. U.S. Patent No. 6,502,131 (hereinafter Vaid) in view of Rogers et al. U.S. Patent No. 5,557,747 (hereinafter Rogers).

5. As per claim 1, Vaid discloses a system for analyzing network traffic to use in performing network and security assessments by listening on a subject network, interpreting events, and taking action (see Vaid, col. 2:45-55; Figure 3), comprising:

- a. a policy specification (see Vaid, Figure 2, Reference Nos. 201,202,221);

- b. a network monitor processor for processing network packet data collected from the subject network (see Vaid, col. 17:12-22; 13:57-14:5); and
- c. a policy-monitoring component for receiving and processing the processed network packet data to assign dispositions to network events contained in the network packet data (see Vaid, Figure 8, Reference Nos. 808-811).

Vaid does not expressly disclose that the policy specification is on a file. However, rule based policies are typically listed on a file in the art. As an example, a policy server taught by Rogers, implements a rule-based policy file to define policies. See Rogers, Figure 3, Reference No. 24. It would be obvious to one of ordinary skill in the art at the time the invention was made to implement the policy specification as a file since files are the standard form in which directory managed information is stored on a computer. The aforementioned covers the limitations of claim 1.

6. As per claim 2, Vaid covers a system as outlined above in the claim 1 rejection. In addition, the policy-monitoring component further comprises:

- d. a parser for parsing the policy specification file (see Rogers, Figure 3, Reference No. 50);
- e. a policy engine for synthesizing the parsed policy specification file and the processed network packet data, and for performing the assign dispositions and level of severity to the network events contained in the network packet data (see Vaid, col. 14:6-32; 16:55-17:56); and

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- f. a logger for logging and storing into an events database the synthesized information by the policy engine according to a logging policy file (see Vaid, col. 22:37-39; 27:55).

The aforementioned cover the limitations of claim 2.

7. As per claim 3, Vaid covers a system as outlined above in the claim 2 rejection. In addition, the system further comprises a query mechanism for mining the stored data in the events database. See Vaid, col. 22:9-29; Figure 15. The aforementioned cover the limitations of claim 3.

8. As per claim 4, Vaid covers a system as outlined above in the claim 2 rejection. In addition, the system further comprises an alarm script component for generating alarms based on the level of severity of the network events. See Vaid, col. 27:52-55. The aforementioned cover the limitations of claim 4.

9. As per claim 5, Vaid covers a system as outlined above in the claim 2 rejection. In addition, the system further comprises means for the policy engine interpreting each protocol event and consulting the policy specification file as each protocol event is interpreted to ensure that an earliest determination of the disposition is reached. See Vaid, Figure 2, Reference No. 231, and related text. The aforementioned cover the limitations of claim 5.

10. As per claim 6, Vaid covers a system as outlined above in the claim 1 rejection. In addition, the collected network packet data is captured in a file or is streams-based. See Vaid, Figure 2, especially Reference Nos. 211, 227 and 229, and related text. The aforementioned cover the limitations of claim 6.

11. As per claim 7, Vaid covers a system as outlined above in the claim 1 rejection. In addition, the system further comprises a secure web server comprising a web server component and a report database for displaying reports online, the reports generated by the events database using a report script. See Vaid, Figures 9-15 and related text. The aforementioned cover the limitations of claim 7.

12. As per claim 8, Vaid covers a system as outlined above in the claim 1 rejection. In addition, the system further comprises a parser for generating an English description policy representation from the policy specification file. See Vaid, Figures 16-19 and related text; see Rogers, Figure 3. The aforementioned cover the limitations of claim 8.

13. As per claim 9, Vaid covers a system as outlined above in the claim 1 rejection. In addition, the network monitor processor is used in standalone mode (see Vaid, col. 10:12-13). The aforementioned cover the limitations of claim 9.

14. As per claim 10, Vaid covers a system as outlined above in the claim 1 rejection. In addition, the network monitor processor and the policy-monitoring component run on

a same machine. See Vaid, col. 10:7-11. The aforementioned cover the limitations of claim 10.

15. As per claim 11, Vaid covers a system as outlined above in the claim 1 rejection. In addition, the system further comprises a policy generator for generating the policy specification file. See Vaid, Figures 16-19, see Rogers, Figure 3. The aforementioned cover the limitations of claim 11.

16. As per claim 12, Vaid covers a system as outlined above in the claim 1 rejection. Vaid does not teach encrypting the network packet data received by the policy monitoring component. However, it notoriously well-known in the art to encrypt network packet data to prevent interception and tampering of transmitted data. Examiner takes Official Notice of this teaching. It would be obvious to one of ordinary skill in the art at the time the invention was made to encrypt the network packet data to ensure the integrity of the system as necessary for a system that performs security assessments. The aforementioned cover the limitations of claim 12.

17. As per claims 13-24, they are method claims corresponding to claims 1-12 and they do not teach or define above the information claimed in claims 1-12. Therefore, claims 13-24 are rejected as being unpatentable over Vaid in view of Rogers for the same reasons set forth in claims 1-12.

18. As per claim 33, Vaid covers a system as outlined above and further includes a system for iteratively developing network security policy for a network, the system comprising:

- g. means for creating an initial network security policy file (see Vaid, Figure 19; see Rogers, Figure 3);
- h. means for ensuring the initial network security policy file is uploaded to a machine on the network (see Rogers, Figure 3, Reference No. 43);
- i. means for running a network monitor on the machine to collect the network traffic (see Vaid, col. 17:12-21);
- j. means for the network monitor outputting the collected network traffic in an output file, and passing the output file to a policy monitor (see Vaid, col. 13:44-14:27; 17:12-32);
- k. means for the policy monitor analyzing the collected network traffic (see Vaid, Figure 8);
- l. means for storing the analyzed network traffic in a database (see Vaid, col. 13:57-14:5; Figure 19);
- m. means for examining the analyzed network traffic in the database by querying the database using a query tool (see Vaid, Figure 15); and
- n. means for modifying the initial network security policy file as needed until a comprehensive and desired policy file is attained (see Vaid, Figures 15 and 19).

The aforementioned cover the limitations of claim 33.



19. As per claim 34, Vaid covers a system as outlined above in the claim 33 rejection. In addition, the network machine is remote, and further comprising means for uploading the modified network security policy file to the remote network machine as needed. See Vaid, Figure 1, Reference No. 110; see Rogers, Figure 3, Reference No. 43. The aforementioned cover the limitations of claim 34.

20. As per claim 35, Vaid covers a system as outlined above in the claim 33 rejection. In addition, the system further comprises means for monitoring network traffic by using the attained comprehensive and desired policy file. See Vaid, Figures 9-15 and 19; see Rogers, Figure 3. The aforementioned cover the limitations of claim 35.

21. As per claim 36, Vaid covers a system as outlined above in the claim 35 rejection. In addition, means for monitoring traffic is on a continuous basis. See Vaid, col. 11:1-11. The aforementioned cover the limitations of claim 36.

22. As per claim 37, Vaid covers a system as outlined above in the claim 33 rejection. In addition, the system further comprises means for generating reports from the database, and using the generated reports as input for further policy refinement and/or using the generated reports for continuously monitoring network traffic. See Vaid, Figures 15 and 19. The aforementioned cover the limitations of claim 37.

23. As per claim 38, Vaid covers a system as outlined above in the claim 37 rejection. In addition, means for encrypting the reports and sending the encrypted reports to a remote Web server is an obvious limitation. See claim 12 rejection. The aforementioned cover the limitations of claim 38.

24. As per claim 39, Vaid covers a system as outlined above in the claim 38 rejection. In addition, the system further comprises means for accessing the reports on the remote server in a user-friendly manner. See Vaid, Figures 9-15, and 19. The aforementioned cover the limitations of claim 39.

25. As per claim 40, Vaid covers a system as outlined above in the claim 33 rejection. In addition, the means for creating an initial network security policy file and the step of modifying the network security policy file as needed uses a policy generator tool. See Vaid, Figures 15 and 19; see Rogers, Figure 3. The aforementioned cover the limitations of claim 40.

26. As per claims 25-32, they are method claims corresponding to claims 33-40 and they do not teach or define above the information claimed in claims 33-40. Therefore, claims 25-32 are rejected as being unpatentable over Vaid in view of Rogers for the same reasons set forth in claims 33-40.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

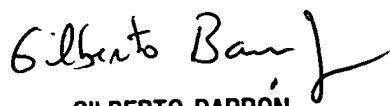
Rakoshitz et al. U.S. Patent No. 6,578,077.


Wiegel U.S. Patent No. 6,484,264.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W Kim whose telephone number is (571) 272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
GILBERTO BARRON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

  
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Examiner  
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